

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 KEVIN ALMY,

4 Plaintiff

Case No. 3:17-cv-00390-RCJ-WGC

ORDER

5 v.

6 MINOR ADAMS, et al.,

7 Defendants
8

9 **I. DISCUSSION**

10 On January 14, 2019, this Court issued an order denying the motion to recuse and
11 extended Plaintiff's time to file an amended complaint. (ECF No. 16). On January 25,
12 2019, Plaintiff filed a motion to demand a response to the motion to recuse. (ECF No.
13 18). On January 28, 2019, Plaintiff filed a notice of appeal with respect to the January
14 14, 2019, order. (ECF No. 19). On February 25, 2019, the Ninth Circuit dismissed the
15 appeal for lack of jurisdiction. (ECF No. 21).

16 This Court now denies the motion to demand a response to the motion to recuse
17 (ECF No. 18) as moot because the Court addressed the motion to recuse in its
18 January 14, 2019 order.

19 Additionally, the Court directs Plaintiff to file his first amended complaint in
20 accordance with the original screening order (ECF No. 11) on or before Friday, March 29,
21 2019. No further extensions will be granted. Moreover, the Court notes that it must
22 screen Plaintiff's first amended complaint because he seeks to proceed *in forma pauperis*.
23 (See ECF No. 17). If Plaintiff seeks to bypass screening because he is no longer
24 incarcerated he must pay the \$400 filing fee in full.

25 **II. CONCLUSION**

26 For the foregoing reasons, it is ordered that the motion to demand response
27 (ECF No. 18) is denied as moot.

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It is further ordered that Plaintiff shall file the first amended complaint as discussed in the screening order (ECF No. 11) on or before Friday, March 29, 2019. No further extensions will be granted.

It is further ordered that the Clerk of the Court send Plaintiff a courtesy copy of the screening order (ECF No. 11).

It is further ordered that, if Plaintiff chooses not to file an amended complaint curing the stated deficiencies of the complaint, this action shall be dismissed with prejudice for failure to state a claim.

DATED: February 27, 2019.

Walter G. Cobb
UNITED STATES MAGISTRATE JUDGE